

**DECISION**



*File 1*  
*24771*

**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D.C. 20548

**FILE:** B-211252

**DATE:** April 12, 1983

**MATTER OF:** Air Tech Industries

**DIGEST:**

Protest of ambiguous specifications is dismissed as untimely since it was not filed prior to the receipt of initial proposals as required by GAO Bid Protest Procedures.

Air Tech Industries protests that the specifications in solicitation No. N00189-83-R-3078, issued by the Department of the Navy, are ambiguous. We dismiss the protest as untimely.

Under our Bid Protest Procedures, 4 C.F.R. Part 21 (1983), a protest based upon an alleged solicitation impropriety which is apparent prior to the closing date for receipt of proposals must be filed, either with the contracting agency or this Office, prior to that date. The closing date was March 7, 1983. Air Tech, however, did not protest to the Navy until March 8 and to our Office until March 15. Since the alleged ambiguity of which Air Tech complains was apparent from the solicitation itself, the protest filed after the closing date is untimely. See 4 C.F.R. § 21.2(b)(1).

The protest is dismissed.

*Harry R. Van Cleve*  
Harry R. Van Cleve  
Acting General Counsel

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